

REMARKS

In the Office Action,¹ the Examiner:

rejected claims 15-19 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement;

rejected claims 15 and 17-19 under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent Publication No. 2002/0002035 to Sim et al. ("Sim") in view of U.S. Patent No. 7,167,721 to Jung ("Jung"); and

rejected claim 16 under 35 U.S.C. § 103(a) as allegedly unpatentable over Sim and Jung in view of Official Notice.

Claim 20 is newly presented herewith. No new matter is added by this amendment. Claims 15-20 are pending.

Applicant respectfully traverses the rejection of claims 15-19 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. The Office Action alleges "Applicant's specification does disclose establishing 2 independent channels between the wireless communication device (computer) and the external device ([headset]). However, there's no explicit disclosure of 'establishing *two independent ACL channels*' between the wireless communication device and the external device" (emphasis original). Final Office Action p. 3. But, this allegation is not correct.

For example, the specification indicates that "[i]n Bluetooth™, Advanced Audio Distribution Profile (A2DP) is specified as a profile relating to transmission of audio data. A2DP is a function for transmitting audio data such as music with high quality. In A2DP,

¹ The Office Action may contain statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

an asynchronous data channel called ACL (Asynchronous Connectionless) is utilized.

Both the audio mode and the conversation mode may be realized by making use of A2DP.” Specification, p. 6, lines 18-26. The specification continues, with respect to the “conversation mode,” to explain that “[w]hen the conversation mode is selected, the wireless utility program executes two-way communication for transmitting and receiving an audio data stream such as voice with conversation quality between the computer 10 and the headset 20. In this case, two independent channels are established between the computer 10 and headset 20.” Specification, p. 7, line 23, to p. 8, line 2.

Above, it is clearly shown that “A2DP” may be used in both the “audio mode” and the “conversation mode.” Furthermore, the specification states that “A2DP” uses a data channel called “ACL.” Logically then, both the “audio mode” and the “conversation mode” may use “ACL” data channels because both the “audio mode” and the “conversation mode” use “A2DP.” In explaining the “conversation mode,” the specification clearly states that “two independent channels are established between the computer 10 and headset 20.” Specification, p. 7, line 27, to p. 8, lines 1-2.

Accordingly, disclosure of the “channel” on page 8, line 1, in the context of the “conversation mode” using “A2DP,” constitutes explicit disclosure of the claimed “independent ACL channel” at least because the “conversation mode” is disclosed to use the “ACL” channel via “A2DP.” In other words, since two independent channels are established in conversation mode, they are “two independent ACL channels.”

Accordingly, the term “two independent ACL channels” is supported in the specification. The rejection of claims 15-19 under 35 U.S.C. § 112, first paragraph, is improper and should be withdrawn.

Applicant respectfully traverses the rejection of independent claim 15 under 35 U.S.C. § 103(a). The Examiner correctly acknowledges that “Sim only discloses establishing one ACL channel out of the two independent channels; he does not explicitly disclose establishing a second ACL channel between a wireless communication device and an external device.” Final Office Action at p. 6. The Examiner then alleges, however, that Jung “teaches establishing a communication between a wireless communication device and an external device via an ACL channel.” *Id.* This allegation is incorrect at least because Jung does not disclose or suggest the claimed “second ACL channel for transmitting content data from the external device to the wireless communication device.” Thus, Jung does not remedy the deficiencies of Sim.

For example, claim 15 recites a “first ACL channel for transmitting content data from the wireless communication device to the external device and a second ACL channel for transmitting content data from the external device to the wireless communication device.” Jung does not disclose or suggest this element of claim 15.

Jung discloses, “[a]fter executing the audio conversation in step 607, the controller 406 connects the ACL link for broadcasting the position information of the terminal in step 609. The controller 406 proceeds to step 611 to transmit the packet containing the position information of the terminal to the nearby Bluetooth device via the ACL link at a certain period.” Jung, column 7, lines 7-15. This disclosure, however, does not constitute or suggest the claimed “second ACL channel.” Although “controller 406” transmits to another “Bluetooth device,” there is no disclosure or suggestion in Jung that the “Bluetooth device” either creates a second ACL channel or that the

"Bluetooth device" transmits anything back to "controller 406." Accordingly, because Jung does not disclose or suggest a second "ACL channel for transmitting content data from the external device to the wireless communication device," Jung does not remedy the deficiency of Sim. Inasmuch as Jung and Sim do not disclose or suggest each of the features of claim 15, the rejection of claim 15 is improper. Applicant respectfully requests that for at least the above reasons the rejection be withdrawn.

Notwithstanding the above reason, claim 15 is also allowable at least because Sim teaches away from the recitations of claim 15. For example, the Examiner alleges that "[i]t would have been obvious to a person of ordinary skill in the art at the time of the invention to substitute the SCO connection of Sim with the ACL connection as taught by Jung in order to communicate the audio conversation in between the devices." Final Office Action, p. 6. This allegation is not correct at least because it contradicts the explicit teachings of Sim.

For example, Sim discloses that "communication between a mobile phone and a headset using conventional Bluetooth™ radio technology is implemented through a Synchronous Connection Oriented (SCO) link." Sim paragraph [0007]. Sim discloses another link called "an Asynchronous Connection-Less (. . . ACL) link [that] has been recommended as an alternative method for transmitting data quickly in a short-range mobile system." Sim, paragraph [0009]. Sim contrasts the SCO and ACL links stating **"[t]he ACL link is designed to use the method of packet switching, while the SCO link is designed to use the method of circuit switching."** Therefore, **the ACL link transmits data faster than the SCO link even in the same frequency band.** If the main part 1 is designed to use both a low speed radio link and a high speed radio link,

the master 1 selects only one pertinent radio link just before data transmission” (emphases added). Sim, paragraph [0009]. Finally, Sim states “a radio link (ACL link) established between the master 1 and the slave 2 is released in step 64. After the radio link for transmitting high speed data is released, the SCO link for voice communication is established for a call connection in step 65.” Sim paragraph [0048].

In view of the above, in Sim, based on the desired type of the data transmission, only one radio link, SCO or ACL, is appropriate. Furthermore, Sim does not disclose or suggest that an ACL link may be substituted for an SCO link. Indeed, Sim discloses that an SCO link is based on circuit switching and is only used for “voice communication.” Nowhere does Sim disclose or suggest that an ACL link can be used for “voice communication,” as the Examiner suggests on page 6 of the Final Office Action. Similarly, in Jung, an ACL link is used for “position information,” not “audio conversation.” Jung column 7, line 11. Thus, even if the ACL link of Jung was substituted into Sim, Sim does not disclose or suggest an “audio conversation” could be had with an ACL connection because Sim only discloses “voice communication” via an SCO connection.

Therefore, not only does Sim teach away from the recitations of claim 15, Jung also fails to provide a motivation or any rational reason to combine Sim and Jung. Inasmuch as Sim teaches away from the recitations of claim 15, the rejection should be withdrawn. Applicant respectfully requests claim 15 be allowed.

Claim 19, although of a different scope from that of claim 15, is allowable for the reasons discussed above in relation to claim 15. Further, claims 16-18 are allowable over Sim, Jung, and Official Notice whether taken alone or in any combination because

none of these references remedy the deficiencies discussed above in connection with claim 15.

New independent claim 20, although of a different scope from that of claim 15, recites features similar to those discussed above in relation to claim 15. In particular, claim 20 recites “a processor configured to . . . (b) to establish one transport channel between the wireless communication device and the external device when the first communication mode is selected, a role of a source device for the one transport channel being assigned to the apparatus and a role of a sink device for the one transport channel being assigned to the external device, . . . [and] (f) to establish two independent transport channels between the wireless communication device and the external device when the second communication mode is selected, the two independent transport channels including a first transport channel transmitting content data from the wireless communication device to the external device and a second transport channel transmitting content data from the external device to the wireless communication device, a role of a source device for the first transport channel being assigned to the apparatus, a role of a sink device for the first transport channel being assigned to the external device, a role of a source device for the second transport channel being assigned to the external device, and a role of a sink device for the second transport channel being assigned to the apparatus.”

None of Sim or Jung whether taken alone or in combination disclose or suggest these features of claim 20. In particular, neither Sim nor Jung disclose that the assignment of a source/sink device to one of two channels is established at the same time and the assignment of a source/sink device to the second of two channels channel

are different. Inasmuch as neither Sim nor Jung disclose or suggest the above features of claim 20, claim 20 should be allowed.

In the Office Action, the Examiner has relied on Official Notice. Applicant respectfully requests that the Examiner provide evidence to support the assertions of Official Notice particularly with respect to claim 16. Absent appropriate evidence, a *prima facie* case of obviousness has not been established with respect to claim 16. Furthermore, Official Notice does not remedy the deficiencies of Sim and Jung discussed above. Therefore, claim 16 is allowable at least due to its dependence.

CONCLUSION


In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of this application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: September 23, 2009

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